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REPORT TO THE HONORABLE
DEPUTY MAYOR AND CITY COUNCIL

ORDINANCES IMPLEMENTING THE TRANSITION TO A MAYOR-COUNCIL
FORM OF GOVERNMENT

INTRODUCTION

On September 28, 2005, the City Council Strong Mayor-Strong Council Transition Committee [Transition Committee] approved three ordinances for introduction. All three relate to implementation of the new Mayor-Council form of government on January 1, 2006, for a five-year trial basis. The following is a summary of the proposed ordinances.

DISCUSSION

As noted above, the proposed ordinances relate the new Mayor-Council form of government. They are designed to be effective on January 1, 2006, and will be automatically repealed on December 31, 2010, unless the voters amend the City Charter to extend or make permanent the Mayor-Council form of government.

I. Permanent Rules of Council

The first ordinance (O-2006-43) is a complete set of Permanent Rules of the Council [Rules]. Article XV section 270(d) of the City Charter provides that the City Council shall have the right to determine its own rules and order of business, including a process for the selection of a presiding officer who has the responsibility for chairing meetings of the City Council and managing the docket process. The proposed ordinance suspends the existing Rules in San Diego Municipal Code section 22.0101 and adopts "new" Rules under section 22.0101.5. The "new" Rules are essentially the existing rules with changes made to reflect the new form of government. For example, the Rule 4 provides the new procedures for selecting a President of the City Council and the President Pro Tem. Rule 6.11 provides for the new committees and specifies the number of members. The revisions requested by the Transition Committee at the September 28, 2005, meeting regarding the docketing of items at a standing committee have been made.

The draft ordinance approved by the Transition Committee includes a provision permitting the Mayor to request a meeting of the City Council in the case of an emergency. (Rule 1.6). In addition, the City Attorney recommends that the Mayor, as a City-wide elected official, have the authority to call a special meeting of the City Council. This is similar to the authority granted to the President of the United States to convene a meeting of both Houses, or either of them, on extraordinary occasions (U.S. Const. art. II, § 3), and to the governor of the

State of California to convene the legislature on extraordinary occasions by proclamation (Cal. Const. art. IV, § 3). Accordingly, the proposed revision to Rule 1.5 provides that the Mayor may, on extraordinary occasions, call a special meeting of the City Council.

II. Office of the Independent Budget Analyst

The second ordinance (O-2006-44) adds a new Division 23 to the San Diego Municipal Code to establish the Office of Independent Budget Analyst. Article XV, section 270(f) of the City Charter provides that the City Council shall have the right to establish an Office of Independent Budget Analyst and to determine the powers of the Office and its manager. The proposed ordinance implements the Transition Committee's direction and desire to establish this Office. The ordinance includes a description of the duties of the Office and provides that, in addition to budgetary and financial analysis, the Office will provide legislative and policy analysis. The ordinance reflects the revision requested at the Transition Committee meeting that the duties of the Independent Budget Analyst include making recommendations on various matters to the City Council.

III. Global Change in the San Diego Municipal Code from City Manager to Mayor

The third ordinance (O-2006-45) implements the transfer of powers and duties of the City Manager to the Mayor by adding section 11.0102.5 to the San Diego Municipal Code. Article XV, section 260(b) of the City Charter provides that all executive authority, power, and responsibilities conferred upon the City Manager in Article V, Article VII, and Article IX shall be transferred to, assumed, and carried out by the Mayor during the period of time Article XV is operative. Because the San Diego Municipal Code contains more than 2,000 references to the City Manager, we recommend an ordinance that makes a global change to state that all references to the "City Manager" in the San Diego Municipal Code shall be deemed to refer to "Mayor." This provision would be effective January 1, 2006, and remain in effect during the time that the City operates under the Mayor-Council form of government.

CONCLUSION

The ordinances described above have been identified as the most important actions to be taken by the City Council to ensure a smooth transition to the Mayor-Council form of government on January 1, 2006. This Office has identified a few other San Diego Municipal Code provisions that should be revised and will be bringing those forward for City Council consideration in the next few weeks. In addition, we are continuing our review of City Council policies relating to budgeting and constituent services.

Respectfully submitted,



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